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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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United States of America,

Plaintiff,

vs.

WILLARD DEAN,

Defendant.

)
) Case No.: 2:11-CR-223-JAD-CWH
)

) STIPULATION TO CONTINUE HEARING
) ON DEFENDANT'S MOTION FOR
) EARLY RELEASE FROM SUPERVISION
) AND EXTENSION OF TIME FOR
) GOVERNMENT TO FILE ITS RESPONSE
) TO DEFENDANT'S MOTION (doc. no.
) 252)

)
) (First Request)

It is hereby stipulated and agreed by the United States of America, by and through DANIEL G. BOGDEN, the undersigned Assistant United States Attorney, Kimberly M. Frayn, and Thomas F. Pitaro, Esq., counsel for Defendant WILLARD DEAN, that the hearing on the Defendant's motion for early release from supervision, currently set for February 17, 2016, should be continued, to a date and time convenient to the Court, but not earlier than three weeks after the February 16, 2016 Judgment Debtor Exam is concluded; and the parties further stipulate that the Government will have an extension of time to file the Government's response to the Defendant's motion for early release from supervision from January 29, 2016 to a date and time convenient to the Court, but not less than two weeks after the February 16, 2016 Judgment Debtor Exam is concluded for the following reasons:

1 1. The Defendant has requested to be released from supervision early (doc. no.
2 252). A significant amount of restitution remains due and owing for which the Defendant is
3 jointly and severally liable. The government has become aware of some possible discrepancies
4 in the Defendant's actual financial position and the information he has provided to the Probation
5 Office about his finances. Accordingly, the Government has requested and the Court has
6 ordered that the Defendant participate in a Judgment Debtor Exam, which is presently
7 scheduled for February 16, 2016.

8 2. The Government does not wish to make a recommendation to the Court about
9 whether the Court should or should not grant the Defendant's motion for early termination until
10 after the results of the Judgment Debtor Exam have been analyzed.

11 3. The Defendant is not in custody. Defense counsel stipulates and agrees with the
12 Government's requested continuance of the motion hearing and extension of time to file the
13 Government's response to the pending motion. The requested continuance and extension of
14 time is not made merely for delay, but to allow the Government sufficient time to determine all
15 of the factors that it needs to consider in formulating a recommendation for the Court about
16 whether the Defendant should be allowed early termination of supervision. The brief three
17 week continuance and two week extension will not unduly prejudice the Defendant.

18 This is the Government's first request.

19 THEREFORE, the parties respectfully request the Court order that that the hearing on
20 the Defendant's motion for early release from supervision, currently set for February 17, 2016,
21 should be continued, to a date and time convenient to the Court, but not earlier than three week
22 after the February 16, 2016 Judgment Debtor Exam is concluded; and the parties further request
23 that the Government will have an extension of time to file the Government's response to the
24 Defendant's motion for early release from supervision from January 29, 2016 to a date and time

1 convenient to the Court, but not less than two weeks after the February 16, 2016 Judgment
2 Debtor Exam is concluded.

3 Dated this 29th day of January, 2016.

4
5 DANIEL G. BOGDEN
United States Attorney

6 /s/ Kimberly M. Frayn
7 KIMBERLY M. FRAYN
Assistant United States Attorney

8 /s/ Thomas F. Pitaro, Esq.
9 THOMAS F. PITARO, ESQ.
10 Counsel for WILLARD DEAN

11 ORDER

12 After considering the parties' stipulation, the Court hereby finds good cause to
13 grant the Government's request.

14 THEREFORE, IT IS HEREBY ORDERED that the Stipulation To Continue Hearing On
15 Defendant's Motion For Early Release From Supervision And Extension Of Time For
16 Government To File Its Response To Defendant's Motion is GRANTED. The hearing currently
17 set for February 17, 2016, is hereby continued, to a date not earlier than three week after the
18 February 16, 2016, that is on Monday, March 14, 2016, at 11:00 a.m. and the Government
19 shall file its response to Defendant's motion before midnight on the day two weeks after the
20 February 16, 2016 Judgment Debtor Exam is concluded , by March 1, 2016.

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23 THE HONORABLE JENNIFER A. DORSEY
UNITED STATES DISTRICT COURT JUDGE
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